

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS L. PAYNE, SID ARCHINAL,  
GARY H. KARESH, JO ANN KARESH,  
BELCA D. SWANSON AND MERLE K.  
SWANSON individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

ANTHONY J. DeLUCA, HARRY J. SOOSE,  
FRANCIS J. HARVEY, JAMES C.  
MCGILL, RICHARD W. POGUE, DANIEL  
A. D'ANIELLO, PHILIP B. DOLAN, E.  
MARTIN GIBSON, ROBERT F.  
PUGLIESE, JAMES DAVID WATKINS,  
and THE CARLYLE GROUP,

Defendants.

**CIVIL ACTION NO. 02-1927**

**CLASS ACTION**

**Chief Judge Donetta W. Ambrose**

ALBERT L. GLOVER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ANTHONY J. DeLUCA, HARRY J. SOOSE,  
FRANCIS J. HARVEY, JAMES C.  
MCGILL, RICHARD W. POGUE, DANIEL  
A. D'ANIELLO, PHILIP B. DOLAN, E.  
MARTIN GIBSON, ROBERT F.  
PUGLIESE, JAMES DAVID WATKINS,  
and THE CARLYLE GROUP,

Defendants.

**CIVIL ACTION NO. 03-0288**

**CLASS ACTION**

**Chief Judge Donetta W. Ambrose**

**NOTICE OF LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF THE  
PROPOSED SETTLEMENT AND PLAN OF ALLOCATION, THE CERTIFICATION  
OF THE SETTLEMENT CLASS, AND FOR AN AWARD OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF LITIGATION EXPENSES**

TO: Clerk, United States District Court, Western District of Pennsylvania:

PLEASE TAKE NOTICE that on August 11, 2009, the undersigned counsel for Lead Plaintiffs shall move before the Honorable Donetta W. Ambrose of the United States District Court for the Western District of Pennsylvania, located at 700 Grant Street, Pittsburgh, Pennsylvania, for entry of two Final Judgment and Orders, substantially in the form of Exhibits B to the Stipulations of Settlement filed with this Court on April 22, 2009: (a) dismissing this action with prejudice against the defendants; (b) approving the Settlement and Plan of Allocation and certifying the Settlement Class; and (c) granting the Application for Attorneys' Fees and Reimbursement of Litigation Expenses.

This motion shall be made upon the accompanying (i) Declaration of Lionel Z. Glancy in Support of Final Approval of the Proposed Settlement and Plan of Allocation, the Certification of the Settlement Class, and the Application for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; (ii) Lead Plaintiffs' Memorandum of Points and Authorities in Support of Final Approval of the Proposed Settlement and Plan of Allocation, and Certification of the Settlement Class; and (iii) Lead Plaintiffs' Memorandum of Points and Authorities in Support of Application for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses.

DATED: August 4, 2009

Respectfully submitted,

*s/Lionel Z. Glancy*

Lionel Z. Glancy

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*Additional Counsel for Lead Plaintiffs*